

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JUAN FERNANDO VILLALON,
(A029-327-003)

Petitioner,

VS.

IMMIGRATION AND
NATURALIZATION SERVICE, *et al.*,

Respondents.

CIVIL ACTION H-09-0386

ORDER

Juan Fernando Villalon, a former Texas Department of Criminal Justice inmate, sued in February 2009, alleging civil rights violations resulting from a deportation hold. This court construed his pleading as a request for habeas relief and denied it. In February 2011, Villalon moved for reconsideration. (Docket Entries Nos. 34, 36, 37). The government responded. (Docket Entries Nos. 44, 45, 46). On May 9, 2011, this court denied Villalon's motion for reconsideration. (Docket Entry No. 47). On October 7, 2011, this court denied Villalon's second motion for reconsideration. (Docket Entry No. 57).

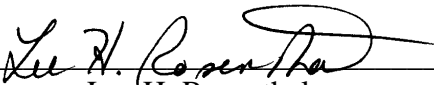
On November 5, 2012, Villalon filed a motion to test the legality of his detention. (Docket Entry No. 75). In an order entered on November 13, 2012, this court determined that Villalon had filed this motion in the wrong case and court. This court further determined that the motion related to a criminal prosecution for illegal reentry pending against him in the Southern District of Texas.

McAllen Division.¹ (Criminal Action Number 7:11-1961).

Villalon continues to attempt to litigate matters stemming from Criminal Action Number 7:11-1961. Villalon has filed two more motions seeking to appeal issues relating to his criminal proceedings and subsequent appeal.

Villalon's motion to proceed as a pauper, (Docket Entry No. 105), motion for notice of appeal, (Docket Entry No. 106), and motion for application of the exclusionary rule in deportation proceedings, (Docket Entry No. 107), are denied. These motions are denied without prejudice because there is no pending case in this court to which they relate and no basis for this court to grant the relief sought.

SIGNED on July 8, 2013, at Houston, Texas.



Lee H. Rosenthal
United States District Judge

¹On August 13, 2012, this court dismissed several motions without prejudice as improvidently filed in the instant lawsuit. (Docket Entry No. 71).